

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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6/3/2022 12:59 pm

**U.S. DISTRICT COURT
EASTERN DISTRICT OF NEW YORK
LONG ISLAND OFFICE**

IN RE: GIFT CARD CASES

ORDER

Civil Action Nos.

2:19-cv-06018 (GRB)
2:19-cv-06022 (GRB)
2:19-cv-06025 (GRB)
2:19-cv-06027 (GRB)
2:19-cv-06030 (GRB)
2:19-cv-06031 (GRB)
2:19-cv-06033 (GRB)
2:19-cv-06161 (GRB)
2:19-cv-06166 (GRB)
2:19-cv-06170 (GRB)
2:19-cv-06171 (GRB)
2:19-cv-06173 (GRB)
2:19-cv-06174 (GRB)
2:19-cv-06176 (GRB)
2:19-cv-06177 (GRB)
2:19-cv-06178 (GRB)
2:19-cv-06506 (GRB)
2:19-cv-06508 (GRB)
2:19-cv-06539 (GRB)
2:19-cv-06990 (GRB)

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GARY R. BROWN, United States District Judge.

Nearly two years ago, the Court – with the consent of most of the parties – directed that these actions, which seek recovery under the ADA in connection with the unavailability of braille gift cards, be stayed pending Second Circuit review of the dismissal of several closely-related matters. The cases before this Court feature boilerplate allegations nearly identical to those contained in complaints dismissed by the U.S. District Court for the Southern District of New York, which dismissals have now been affirmed by the Second Circuit Court of Appeals. *Calcano v. Swarovski N. Am. Ltd.*, 2022 WL 1788305 (2d Cir. June 2, 2022). As set forth in that opinion, and the underlying district court decisions, plaintiffs lack standing, having failed to articulate concrete harm. In the alternative, as discussed in the concurring opinion in *Calcano*, the allegations fail to plausibly state a claim under the ADA. Therefore, these cases are dismissed, and the Clerk is directed to close the files.

SO ORDERED.

Dated: Central Islip, New York
June 3, 2022

/s/ Gary R. Brown
GARY R. BROWN
United States District Judge